

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayner
Marshall Johnson
Ken Nickolai
Thomas Pugh
Phyllis A. Reha

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Complaint of Level 3
Communications, LLC (Level 3) Against
Qwest Corporation (Qwest) Regarding
Compensation for ISP-Bound Traffic

ISSUE DATE: July 11, 2006

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ORDER GRANTING RECONSIDERATION
AND REMANDING FOR FURTHER
PROCEEDINGS

PROCEDURAL HISTORY

On May 8, 2006, the Commission issued its ORDER ADOPTING RECOMMENDATIONS AND REMANDING FOR FURTHER PROCEEDINGS. The Order adopted the recommendations of Administrative Law Judge (ALJ) Kathleen D. Sheehy addressing how a change in federal law would apply to an interconnection agreement (ICA) between Level 3 Communications, LLC (Level 3) and Qwest Corporation (Qwest). Among other things, the Order referred to the ALJ the task of recommending language for amending the ICA.

On May 22, 2006, Level 3 asked the Commission to reconsider its May 8 Order and to declare that the ICA amendment will have an effective date of October 8, 2004, the date of the change in federal law that prompted the ICA amendment.

By June 5, 2006, the Commission had received comments from Qwest and the Minnesota Department of Commerce (the Department) opposing Level 3's request and supporting different effective dates.

The matter came before the Commission on July 6, 2006.

FINDINGS AND CONCLUSIONS

Given the level of disagreement about the appropriate effective date of the eventual ICA amendment, the Commission finds merit in Level 3's request to reconsider its May 8 Order. Level 3's request for reconsideration will be granted.

In the interest of more fully developing the question of when the ICA should become effective, the Commission will refer this matter to the ALJ. In this manner, the Commission will be able to address the issues of amendment's language and the amendment's effective date at the same time.

ORDER

1. The Commission hereby grants Level 3's request to reconsider the May 8 Order for the purpose of establishing the effective date of the pending amendment to the parties' ICA.
2. This matter is hereby remanded to Administrative Law Judge Kathleen D. Sheehy for purposes of developing the record and making a recommendation.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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